



OFFICE OF THE POLICE COMMISSIONER  
ONE POLICE PLAZA • ROOM 1400

February 19, 2014

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Gamboa, Laura**  
Tax Registry No. 905604  
Police Service Area 2  
Disciplinary Case No. 2013-8956

The above named member of the service appeared before Assistant Deputy Commissioner Robert W. Vinal on September 12, October 17, and November 25, 2013 and was charged with the following:

**DISCIPLINARY CASE NO. 2013-8956**

1. Said Police Officer Laura Gamboa, while assigned to the 107<sup>th</sup> Precinct, on or about and between June 1, 2012 and June 4, 2012, agreed to assist Person A, Police Officer Gamboa's [REDACTED], in the purchase of heroin, and the return of money from the sale of said heroin to Person A in Colombia. (As amended)

**P.G. 203-10, Page 1, Paragraph 5      GENERAL REGULATIONS**

2. Said Police Officer Laura Gamboa, while assigned to the 107<sup>th</sup> Precinct, on or about June 1, 2012, wired approximately \$300.00 to Person A, Police Officer Gamboa's [REDACTED], with the knowledge that said money was to aid Person A in the commission of a crime.

**P.G. 203-10, Page 1, Paragraph 5      GENERAL REGULATIONS**

In a Memorandum dated January 31, 2014, Assistant Deputy Commissioner Robert W. Vinal found Police Officer Laura Gamboa Guilty of Specification Nos. 1 and 2, in Disciplinary Case No. 2013 8956. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

The misconduct committed by Police Officer Gamboa in these matters warrants her separation from the Department. However, with consideration of her prior service, I will permit a method of separation other than dismissal from the Department.

It is therefore directed that Police Officer Gamboa be offered a post-trial negotiated agreement in which she will immediately file for vested-interest retirement, forfeit all time previously served while on suspension without pay and suspension with pay, if any, waive all time and leave balances, including terminal leave, if any, and be placed on One (1) Year Dismissal Probation (Police Officer Gamboa shall retire while on Suspended-Duty status).

Such service retirement shall also include Police Officer Gamboa's written agreement not to initiate administrative applications or judicial proceedings against the New York City Police Department to seek reinstatement or return to the Department. If Police Officer Gamboa does not agree to the terms of this service retirement as noted, this Office is to be notified without delay. This agreement is to be implemented **IMMEDIATELY.**

A handwritten signature in black ink, appearing to read 'William J. Bratton', with a stylized flourish at the end.

William J. Bratton  
Police Commissioner



POLICE DEPARTMENT

January 31, 2014

-----X  
In the Matter of the Charges and Specifications : Case No.  
- against - : 2013-8956  
Police Officer Laura Gamboa :  
Tax Registry No. 905604 :  
Police Service Area 2 :  
-----X

At: Police Headquarters  
One Police Plaza  
New York, New York 10038

Before: Honorable Robert W. Vinal  
Assistant Deputy Commissioner - Trials

A P P E A R A N C E:

For the Department:

Daniel Maurer, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, New York 10038

For the Respondent:

Craig Hayes, Esq.  
Worth, Longworth & London, LLP  
111 John Street – Suite 640  
New York, NY 10038

To:

HONORABLE WILLIAM J. BRATTON  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NEW YORK 10038



The above-named member of the Department appeared before me on September 12, October 17, and November 25, 2013, charged with the following:

1. Police Officer Laura Gamboa, while assigned to the 107 Precinct, on or about and between June 1, 2012 and June 4, 2012, agreed to assist Person A, Police Officer Gamboa's [REDACTED], in the purchase of heroin, and the return of money from the sale of said heroin to Person A in Colombia. (*As amended*)

P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS

2. Police Officer Laura Gamboa, while assigned to the 107 Precinct, on or about and June 1, 2012, wired approximately \$300.00 to Person A Police Officer Gamboa's [REDACTED], with the knowledge that said money was to aid Person A in the commission of a crime.

P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS

The Department was represented by Daniel Maurer, Esq., Department Advocate's Office, and Respondent was represented by Craig Hayes, Esq.

Respondent, through her counsel, entered a plea of Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

### DECISION

Respondent is found Guilty of Specification Nos. 1 and 2.

### SUMMARY OF EVIDENCE PRESENTED

#### Introduction

It is not disputed that in 1999, Respondent met Person A who was born in Columbia but was then living in the United States. They [REDACTED] in 2001 and [REDACTED] in 2003. Respondent filed a sponsorship petition on Person A's behalf so

that he could become a United States citizen. However, when [REDACTED] and Respondent [REDACTED] Person A, she withdrew her sponsorship petition. Person A was then deported back to Columbia.

In May, 2012, Person B called Respondent and told her that she was a friend of Person A's, that Person A had given her Respondent's cell phone number and told her to call Respondent. Unbeknownst to Respondent, Person B was working as a Confidential Informant (the CI) for the United States Department of Homeland Security's Drug Smuggling Unit (Homeland Security) which was conducting an investigation into whether Person A was trying to smuggle heroin into the United States from Columbia. At Homeland Security's direction, a face-to-face meeting between the CI and Respondent took place on June 1, 2012 at which the CI handed Respondent \$300 in cash that had been provided to the CI by this Department's Internal Affairs Bureau (IAB) for Respondent to send to Person A.

#### The Department's Case

The Department called Deputy Inspector Sylvester Ge and Homeland Security Special Agent Gerard McMahon as witnesses.

#### Deputy Inspector Sylvester Ge

Ge, who is Commanding Officer for the Internal Affairs Bureau's (IAB) Group 27, recalled that Homeland Security contacted IAB after their investigation into whether Person A was trying to smuggle heroin into the United States from Columbia revealed that Respondent was a member of the service (MOS).

Ge recalled that on June 1, 2012, he was personally present conducting video surveillance outside a Walgreen's Drug Store located at Northern Blvd. and 78 Street in Queens where the CI met with Respondent. IAB had provided the CI with \$300 in cash to hand to Respondent at this meeting. Ge recalled that the CI was wearing a recording device during this meeting and that the CI and Respondent conversed in Spanish. The audio recording of their conversation was transcribed in Spanish and that transcript was then translated into English [Department's Exhibit (DX) 1]. During their conversation the following exchange took place:

Respondent: I have to write down his number because I don't have it. I told him, "Tell her that I don't want to talk on the phone."

CI: Look, you need to get a phone.

Respondent: Uh huh.

CI: He told me.

Respondent: Yeah, he just told me that.

CI: To get yourself a --

Respondent: With Boost Mobile he said, right?

CI: Well...

Respondent: Just anything.

CI: For sure. Because things --I like things to be straightforward.

Respondent: Uh huh.

CI: Things --Monday there is going to be a delivery of a - - of heroin.

Respondent: Uh huh.

CI: Then that money is for you, right?

Respondent: Uh huh. And I have to send it there.

CI: And you have to send it there.

Respondent: Uh huh.

CI: Here are the three hundred dollars, okay?

Respondent: Okay, okay. Let me count it.

CI: Count them first. So the issue is that [background noise].

Respondent: Okay.

CI: Okay?

Respondent: Uh huh.

CI: Three hundred.

Respondent: Uh huh.

CI: So you send that to him.

Respondent: Uh huh.

CI: Look, the issue is that you have to be at the ---

Respondent: [Interposing] Yeah, the ... Yes, I know. Today, since you told me that -- since I was outside in the yard, I wasn't paying attention. And when the little one-

CI: [Interposing] I'll tell you that that's the --. He's buying a lot [background noise].

Respondent: Wow, wow.

CI: Right now things are good because of the heroin---.

Respondent: Wow.

Ge recalled that Western Union records were obtained by IAB via a subpoena issued by the Department's Legal Bureau (DX 2) [These records show that on June 1, 2012, Respondent wired \$300 to Person A in Cali, Columbia via Western Union].

Ge further recalled that on June 3, 2012, he was personally present when the CI made a recorded controlled telephone call to Respondent. The audio recording of their conversation in Spanish was transcribed by an IAB detective who was fluent in Spanish and that transcript was then translated into English (DX 3). During their telephone conversation, the following exchange took place:

CI: Did you talk to Person a?

Respondent: Yes, yes, yes.

CI: What did he have to say?

Respondent: To wait for your call so we could meet up.

CI: Right because supposedly today I was supposed to give you the sixteen thousand dollars, right?

Respondent: Yeah, uh huh.

CI: But it turns out that we couldn't make it happen today. It will be Monday, okay?

Respondent: Okay, okay.

CI: So that's why I'm calling you so you won't be expecting anything today.

Respondent: That's fine.

CI: Okay?

Respondent: [unintelligible]

CI: But it's not sixteen; it's twenty.

Respondent: Okay.

CI: Right?

Respondent: Yes, because that's what --Yes, yes, I know. He told me.

CI: That was what Person a told you? That it was twenty?

Respondent: Yes, I think so.



CI: Oh, okay. Perfect.

Respondent: Because he told me it was --but I need to talk to you because he tells me that you have to give me a number.

Ge also recalled that on June 4, 2012, he was personally present when the CI made another recorded controlled telephone call to Respondent. The audio recording of their conversation in Spanish was transcribed and that transcript was then translated into English (DX 4). During their telephone conversation the following exchange took place:

CI: Hey, Laura, has Person A called you?

Respondent: No, he said he would call me later. I talked to him.

CI: You already talked to him?

Respondent: Yes.

CI: But what's going on with his --? If he calls you later, tell him that Antonio has the money on him now, okay? And he knows good and well that having two hundred and something thousand dollars in your pocket -- in the car isn't an easy thing, okay? And that --if they don't deliver the heroin today, then --

Respondent: [Interrupting] And don't talk to me like this on the phone, he says.

Ge also recalled that he was personally present on June 6, 2013 when Respondent was subjected to questioning at an official Department interview. At the official Department interview, when Respondent was asked why she had purchased a Boost Mobile cell phone, after she initially gave "different answers," she ultimately admitted that she had purchased a Boost Mobile cell phone so that she could talk to Person A about "the drug deal." Respondent "stated that she just yes'd him (Person A) to death." Respondent stated that her initial conversation with the CI involved a landlord-tenant dispute and that during the rest of their conversations, the CI spoke about the drug deal.

On cross-examination, Ge confirmed that IAB first learned that Respondent might be involved in a drug deal when the CI reported this to Homeland Security agents who forwarded the CI's allegation to IAB. Ge confirmed that when Respondent was questioned about Person A at her official Department interview, she told her interviewers that although Person A had told her that the \$300 was for heroin, she knew that Person A was a liar and a manipulator and she never truly believed that Person A would be part of any real drug deal and that because he had no funds and was homeless he could not be a drug dealer. Respondent told her interviewers that she had sent Person A small sums of money because Person A was destitute and needed food and shelter in Columbia. Ge confirmed that IAB's review of Western Union records confirmed that Respondent had done this. Ge further agreed that IAB's review of Western Union records confirmed that when Respondent wired the \$300 that the CI had handed her to Person A, this was the most money that Respondent had ever sent to Person A.

Ge also confirmed that IAB's review of Respondent's personal financial records confirmed that Respondent lived modestly and that she had not made any expensive purchases and that there was nothing suspicious about her personal travel history in visiting foreign countries. Ge also agreed that at strategy meetings he had with Special Agent McMahon from Homeland Security, McMahon was trying to figure out a way to get Respondent involved with Person A's planned drug deals. Ge confirmed that even though Person A had initially volunteered Respondent as a transporter for drugs, he later told the CI that he did not want Respondent to become involved in their drug business because she had a good job. Ge also confirmed that very few calls were made by Respondent using the Boost Mobile cell phone she had purchased at Person A's direction

and that even though ten or more surveillances of Respondent were conducted by IAB Group 55, Respondent was not observed doing anything suspicious.

Ge confirmed that before McMahon went to Respondent's residence on February 13, 2013, McMahon told Ge that he was going to do this and a mutual agreement was reached between IAB and Homeland Security that he could try to obtain a voluntary interview with her at her residence. Ge testified that he did not send an IAB investigator with McMahon because he did not want Respondent to feel that she was compelled to answer questions posed to her at this interview. Ge confirmed that at the point in time when McMahon went to Respondent's residence to try to interview her, the Queens County District Attorney's office had not yet made a determination as to whether or not to prosecute Respondent but that eventually both the Queens County District Attorney's office and the United States Attorney's office both declined to prosecute Respondent.

Special Agent Gerard McMahon

McMahon, who has been employed as a Special Agent with Homeland Security for about six years, is a former member of the Department who was assigned to patrol duties at the 112 Precinct for approximately three years. McMahon has been assigned to Homeland Security's Drug Smuggling Unit for the past four years investigating importation of narcotics into the United States.

On February 13, 2013, McMahon and Homeland Security Special Agent Donald Farrier went to Respondent's residence on a day when she was off duty and at home. They identified themselves to her as Homeland Security Special Agents and asked if they could come inside and speak to her. Respondent invited them into her residence and



agreed to answer questions. McMahon confirmed that at no time during the interview was Respondent under arrest nor was she threatened with being arrest. The interview was not tape recorded but McMahon took handwritten notes of what Respondent said during the interview. Subsequently, McMahon memorialized what Respondent said during the interview in a report that he typed and uploaded into the Homeland Security investigation database.

During the interview, McMahon asked Respondent if she knew Person A, Respondent replied that he is [REDACTED]. McMahon asked Respondent a series of questions regarding her awareness of the existence of a drug smuggling ring. Respondent initially stated that she was not aware of any drug smuggling. However, once McMahon and Farrier told Respondent about the recordings and wire taps that they had obtained, Respondent admitted to knowing about a drug smuggling ring, as well as her involvement in this activity. McMahon testified that Respondent told him that she knew that Person A was trying to send drugs to the United States from Columbia and that he had contacts in New York who were going to transport and sell the drugs. Once the heroin was smuggled into New York, Person A's contacts would transport the drugs to a drug dealer who would purchase the heroin. Respondent's role was to take the \$20,000 in proceeds from the sale and wire the money back to Person A in Columbia. McMahon testified that Respondent admitted to purchasing a Boost Mobile cell phone specifically to converse with Person A. Respondent subsequently provided McMahon with the phone number for her Boost Mobile cell phone.

Respondent explained to McMahon during the interview that after she spoke to Person A about his New York contacts, he put her in touch with a woman named with



Person B. She admitted to speaking to Person B over the phone, but when McMahon asked her how she came to know Person B, Respondent gave contradicting statements. When McMahon asked Respondent if she had ever met with Person B, Respondent said she was not sure and that she had never received money from Person B. Respondent only admitted to meeting Person B and to having received money from her after McMahon told her that he had recordings of their conversations and a Western Union money receipt with her name on it. Respondent told McMahon that she had Person B's phone number in her cellular phone, and she subsequently provided Person B's phone number to McMahon.

Respondent admitted to having spoken to Person B a few times. She told McMahon that she spoke to Person B about what Person A wanted Respondent's role to be in the drug smuggling ring. McMahon testified that Respondent admitted to meeting Person B in a drug store parking lot, accepting cash from her, and wiring it back to Person A in Columbia, although she could not recall how much money she had received from Person B. After McMahon asked Respondent whether she had wired money to Person A on any other occasion, Respondent explained that Person A called her asking her for small sums of money for food or for cellular phone minutes. When McMahon asked Respondent if she would cooperate with Homeland Security in its investigation of Person A, Respondent confirmed that she would cooperate.

On cross-examination, McMahon confirmed that after running a background check on Person A's prior criminal activity, McMahon learned that he had a history of arrests and convictions for assault and possession of burglar tools. McMahon testified that Person A had no arrests for any type of sale of narcotics, possession, intent to sell, or state or federal felony-level narcotics offenses.

McMahon learned about Person A's involvement with narcotics trafficking through Person B, who was referred to him by Scott Salamon, another Homeland Security agent. At the same time that she provided him with information about Person A, Person B was also seeking legal immigration status in the United States. She was facing possible deportation, and Homeland Security put in an application for Person B to stay in the United States for a year, and the application would have to be renewed each year after that. Homeland Security put in an application so that they could work with Person B without risking her getting deported. McMahon testified that the Citizenship and Naturalization Service is the agency that is responsible for granting her that stay.

McMahon testified that Person B had told him that she was handled by the Drug Enforcement Agency at one point. While McMahon did not personally speak to Person B's handler, he admitted that Salamon had spoken to the handler and had learned that Person B was a credible source who had provided good information. McMahon admitted to running Person B's criminal background check and discovering that she had one arrest for shoplifting.

Person B told McMahon that she knew about Person A's involvement through some of her acquaintances. McMahon testified that Person B told him that she knew Person A during the time that he still lived in the United States before he was deported. At the time, Person B ran a restaurant and overheard conversations that he had with other people regarding narcotics and other illegal activities. She admitted to McMahon that she became acquaintances with Person A, and that sometimes she would discuss illegal activities with him, who at one point told her that he was able to provide her with drugs. McMahon

confirmed that Person B did not become involved in the selling or buying of drugs with Person A and his buyer at any point in time.

With regards to the relationship between Person B and Respondent, McMahon testified that Agent Freddie Gomez reported to IAB that Person B said she knew Respondent. Person B claimed that Respondent had wired money down to Columbia to help out Person A. Person A instructed Person B to remove \$20,000 of the \$200,000 and give it to Respondent, who knew how to send the money to him. McMahon confirmed that Person B told Gomez that the way Person A conducted his deals was that he would do a deal and effectively use Respondent as a money courier. Respondent had sent money to Person A in the past through Western Union if he needed a couple hundred dollars to help him out. Person B implied that when deals were made in the past, Person A had used Respondent to transport money for his deals.

McMahon confirmed Homeland Security continued with their investigation of Person A after he promised to get narcotics into the country. Homeland Security had met one of Person A's couriers at Roosevelt Field Mall, and a sample was given to an informant, for the informant to try the sample out, and the informant was expected to purchase a couple of kilograms of the drugs. The sample was tested and came back positive for heroin. However, McMahon's supervisor decided not to follow up and purchase the couple of grams of heroin.

The next deal between Person A, Person B, and Homeland Security involved Person A promising the delivery of eight kilos of cocaine for \$200,000 by June 1, 2012. Although Person A said that he would be sending the kilos of cocaine into the country, Homeland Security never seized the drugs from that deal because they were not sure if the drugs had



arrived. Monitored phone conversations were taking place during this time between Person B, Person A, and Respondent. McMahon explained that there were instances where McMahon would listen in on the conversation as it was taking place, and other times when he would listen to the tapes, since all of the conversations were recorded. When there were problems with the recordings during the case, McMahon confirmed that he had to rely on what Person B told him about the calls. When the deal did not go through, McMahon testified that Person A had claimed that it was due to a female courier being picked up by the authorities, although McMahon did not know if this was true. After the deal fell through, McMahon confirmed that Person A had said there would be a one-kilo heroin deal instead the following week. In that deal, Person A did not provide the heroin to any agents or undercover officers. During the monitored phone conversations, Person A said that he was short on money and would try to come up with something else. McMahon confirmed that Person A did not follow through on that deal either.

On June 19, 2012, McMahon told Ge that he had needed to give Person A a calling card because Person A had told Person B that he had no money and was running out of minutes on his phone, and that in order to set things up, he needed some extra cash. Person A was using calling cards to call potential investors in Colombia. McMahon confirmed that on June 25, 2012, he contacted Ge and told him that Person A was setting a deal up with a guy from New Jersey. McMahon confirmed that Person A claimed to have many contacts all throughout the United States, and he knew of couriers that were coming in from different points of entry within the United States. On July 8, 2012, McMahon contacted Ge again and told him that he had nothing new to report regarding the case. On July 25, 2012,



McMahon told Ge that Homeland Security was trying to put pressure on Person A to do a deal. Person A said that some kilos came into the United States through Florida and that the drugs were working their way up to New York. McMahon confirmed that this deal never happened. No physical evidence was ever seized which connected Person A to this drug deal.

In August, McMahon told Ge that Person A had asked Person B to pick up a courier in Buffalo, which is eight hours away. Homeland Security did not want to send Person B there, especially since Person A is not reliable. Even though Homeland Security has satellite offices along the New York and Canadian border, McMahon confirmed that he did not think he could guarantee both of the informants' safety if they made the trip to Buffalo. Homeland Security did not want the drug deal to occur in an unknown location because the Department wanted Person A's courier to make the deal on their territory.

That same month, McMahon testified that he got in touch with Ge to tell him that he was waiting to hear from Person A after he claimed that there was a courier who got caught on the southern border with heroin. McMahon had spoken to an agent who had picked up a few couriers and that there was a good chance that those couriers were connected to this specific deal. McMahon confirmed that the couriers were not cooperating and stopped speaking with the agents after they had lawyers.

On October 11, 2012, McMahon attended a meeting along with Ge and Assistant United States Attorney Steven Tiscione at the Department of Justice, Eastern District. During the meeting, McMahon confirmed that he informed Tiscione that he was still in contact with Person A through the CI, it appeared that Person A did not trust the CI anymore based on the phone calls that were exchanged. McMahon testified that he had discussed



the evidence that he had regarding Respondent's involvement with Person A Tiscione said that because the Department did not have the drugs from the deals, the evidence was circumstantial. McMahon testified that through an undercover and Person B, he planned to suggest to Person A to use Respondent in a drug or money transportation operation.

McMahon confirmed that IAB brought up two possible scenarios during another conference call with Ge on October 25, 2012. The first scenario consisted of Person B requesting that the undercover agent request that Person A inform Respondent of a possible pending drug deal. The second scenario involved Person B saying that she is unable to drive and suggesting to Respondent to do a drug delivery to get a quick amount of cash. McMahon confirmed that during this time frame, Person B told him that there was no phone contact between herself and Respondent.

During November of 2012, McMahon confirmed that there were discussions about an undercover agent playing the role of a drug dealer who was willing to pay good money for a police officer to carry out drug money transports. McMahon confirmed that no such deal occurred. After that point, there were no phone calls between Person B and Person A regarding any prospective deals.

On December 13, 2012, McMahon told IAB that Person B let him know that Person A kept asking for Person B to send him \$500. McMahon confirmed that toward the end, Person A would make promises, claiming he was going to carry out the deals, ask for things in advance to get the deals going, and then never fulfill his promises. At this point, Homeland Security was assisting IAB in their investigation of Respondent. Person A was Homeland Security's target, not Respondent. Around this time, Person B told Person A that she knew of some people who were looking for someone to transport money or drugs,



and that the courier would make quick money. Person B also asked Person A if Respondent would be interested in doing that, and Person A told her that he would talk to Respondent about it and see if she could do it.

On December 20, 2012, McMahon told IAB that Person B had a conversation with Person A, who told her that he did not want to use Respondent to transport money or drugs. Instead, he offered to get someone else to do the transport. McMahon testified that Person B told him that during the phone conversation she had with Person A. Person A told her that Respondent had a good job and that he did not want her risking her job. After speaking to Respondent, Person A felt that the situation might be dangerous for her and did not want her to get involved with couriers he did not know. Person A was initially willing to let Respondent participate on the drug deal because he trusted Person B, but he changed his mind when he realized that new couriers were going to be involved in the new deal. Person B was a major part of the operation in the beginning, but toward the end she was insulating herself where she was pushing it off to the undercover officers so that they would deal with Respondent.

McMahon testified that he was not required to prepare any paperwork to memorialize the conversations that he had with Ge from IAB. In addition, he was also not required to prepare any paperwork for the strategy meetings that he had with the United States Attorney. However, McMahon confirmed that he did submit a report regarding his interview of Respondent.

In February, 2013, McMahon had a meeting at Homeland Security with IAB and they discussed the fact that Tiscione did not want to pursue any charges. McMahon told Ge to find out if his district attorney would pursue charges against Respondent, but after

conferring with the district attorney, Ge told McMahon that at that point, it would be better to just interview Respondent without going forward with the criminal charges. Respondent was never actually arrested or charged with anything. While no IAB members were present during that interview, McMahon testified that he did notify them about when and where the interview would be conducted.

McMahon confirmed that during the interview, Respondent acknowledged sending money to Person A approximately five times and that whenever Person A would bring up drugs, she would just say "yes" to him just to get him off the phone. McMahon testified that Respondent told him that while she agreed to assist Person A, she would never actually follow through with it. After McMahon conducted the interview, he notified IAB of the results. McMahon confirmed that was the end of his involvement with IAB so far as assisting them with their case against Respondent.

On redirect examination, McMahon confirmed that despite the stay of removal application that Homeland Security filed on Person B's behalf, McMahon testified that INS could still have deported Person B if they had wanted to and that Homeland Security never requested any preferential treatment for Person B.

McMahon confirmed that when he interviewed Respondent at her residence on February 13, 2013, Respondent admitted to agreeing to pick up drug sale proceeds and wire transfer the money to Person A. McMahon testified that once he told her that he had Western Union receipts indicating that she did wire money down to Person A, Respondent admitted to wiring \$300 to Person A on June 1, 2012.

During re-cross examination, McMahon clarified that Respondent was given \$300 by Person B who explained to Respondent what the money would be used for once it was



wired to Person A. Person A initially requested that more than \$300 be wired to him, McMahon could not recall the exact amount but that it could have been between \$500 and \$2000, and that the money was to be used by Person A to take investors and drug dealers he knew in Columbia out to lunch to arrange a drug transaction.

### Respondent's Case

Respondent testified in her own behalf.

### Respondent

Respondent testified that after Person A was deported back to Columbia, he was not working regularly and so he was not sending her any money for [REDACTED]. Respondent testified, consistent with the statements she made at her official Department interview conducted on June 6, 2013, that she never believed anything that Person A told her about his heroin importation and sales business because Person A was an alcoholic and a compulsive liar.

Respondent testified that she had wired the \$300 that Person B handed to her on June 1, 2012 to Person A in Columbia not to assist him in a drug business but because he was destitute and needed food and shelter. Respondent sent small amounts of money to Person A about five times. Whenever Person A would bring up drugs, she would say "yes" to him just to get him off the phone. Respondent testified that although she told Person A that she would assist him, she never had any intent to actually follow through by taking any illegal action. Respondent asserted that whatever Person A would tell her, she would just "yes" Person A "to death."

With regard to the statements Respondent made to Person B during their face-to-face meeting on June 1, 2012 and during their telephone conversations on June 3 and June 4, 2012, Respondent testified that even though Person B had referred to heroin, she did not actually believe what Person B was telling her about plans to sell heroin and to have Respondent transfer the money that was the proceeds from the sales to Person A, because Respondent believed that Person B was crazy.

On cross-examination, Respondent agreed that during her telephone conversation with Person B on June 3, 2012, when Person B was telling her about Person A's plans to sell heroin and to have Respondent transfer \$20,000 of the proceeds from the sales to Person A in Columbia, she told Person B, "Yes, Person A told me, he told me." However, Respondent asserted that she was not actually agreeing to do this, rather she was just "yessing" Person B "all the time."

#### FINDINGS AND ANALYSIS

It charged that on and between June 1, 2012 and June 4, 2012, Respondent agreed to assist [REDACTED] Person A in the purchase of heroin and the return of money from the sale of heroin to him in Colombia and that on June 1, 2012, she wired \$300 to him with the knowledge that this money was to aid him in the commission of a crime.

Respondent argued that the Department's case was built on hearsay since neither Person A nor the CI testified at this trial. However, I need not credit any of the statements that either Person A or the CI have made because I find Respondent Guilty based on her own statements and actions. That is, based on the statements she made during her face-to-face meeting with the CI on June 1, 2012 and during their telephone conversations on



June 3 and June 4, 2012, and the statements she made to McMahon when she was interviewed by him at her residence on February 13, 2013; and based on her actions of following Person A's instruction that she get herself a "Boost Mobile" telephone, accepting \$300 in cash that the CI handed her, and going to Western Union to wire the \$300 to Person A in Columbia.

The transcript of the tape recording of the face-to-face meeting between Respondent and the CI on June 1, 2012, shows that Respondent went to meet the CI because she had received a telephone call from Person A. During this meeting, Respondent acknowledged to the CI that Person A had instructed Respondent to get herself a telephone "with Boost Mobile" and that he also told her that the CI would be handing her \$300 in cash which she was to wire to him in Columbia.

Most significantly, the transcript establishes that when the CI specifically tells Respondent that the \$300 in cash was connected to "a delivery of heroin" that would take place on "Monday," Respondent merely replies, "Uh huh." (DX 1 p. 3) Later during this conversation when the CI specifically tells Respondent that "he's buying a lot" and that "right now things are good because of the heroin," Respondent only replies, "Wow, wow." (DX 1 p. 4) These are not the verbal responses that would be expected from a uniformed member of the service who did not want to be involved in a delivery of heroin. Respondent's subsequent action of wiring the \$300 the CI had handed her to Person A in Columbia via Western Union (DX 2) also is inconsistent with her claim that she had no intent to take part in any planned transaction that involved a delivery of heroin.

The transcript of the tape recording of the telephone conversation that took place between Respondent and the CI on June 3, 2012, shows that Respondent had engaged in



another telephone conversation with Person A and that he had told her that the CI would be handing her \$16,000 in cash. This is clear because during their telephone conversation, Respondent told the CI that Person A had told her "to wait for your call so we could meet up," and when the CI stated, "Right because supposedly today I was supposed to give you the sixteen thousand dollars, right?" Respondent replied, "Yeah, uh huh." When the CI then tells Respondent, "But it turns out that we couldn't make it happen today" so "it will be Monday, okay?" Respondent replies, "Okay, okay." When the CI then tells Respondent, "But it's not sixteen it's twenty," Respondent replies, "Okay," and when the CI follows up by asking, "Right?" Respondent replies, "Yes, because that's what -- Yes, yes, I know. He told me." Finally, when the CI asks her, "That was what Person A told you? That it was twenty?" Respondent answers, "Yes, I think so." (DX 3 p. 3)

Thus, this conversation establishes that the CI specifically told Respondent that on "Monday" she would be handing Respondent \$20,000 in cash. Since during their face-to-face meeting two days before, the CI had told Respondent that "a delivery of heroin" would take place on "Monday," it is clear that the \$20,000 related to this heroin delivery.

Lastly, the transcript of the tape recording of the telephone conversation between Respondent and the CI on June 4, 2012, shows that when the CI asked Respondent whether she had already spoken to Person A, Respondent replies, "Yes." Most significantly, when the CI tells Respondent to tell Person A "that Antonio has the money on him now, okay, and he knows good and well that having two hundred and something thousand dollars in your pocket, in the car, isn't an easy thing, okay, and that if they don't deliver the heroin today then," Respondent interrupts the CI and scolds her, "And don't talk to me like this on the phone, he says." (DX 4 p. 3) As with her June 1, 2012 replies,



Respondent's reply to the CI's statement about a planned delivery of heroin is not the reply that would be expected from a police officer who did not want to become involved in, much less assist, the importation and sale of heroin.

In conclusion, these three tape recorded conversations between Respondent and the CI establish that Respondent was fully aware that the CI was telling her that Person A was planning to smuggle heroin into the United States from Columbia and they further show that Respondent knew that the \$300 she had wired to him in Columbia related to this criminal venture and that the \$20,000 that the CI told her she would soon be handing her to send to Person A would constitute proceeds from the sale of heroin.

Finally, I credit McMahon's testimony that when he interviewed Respondent at her residence on February 13, 2013, she admitted that she was aware that Person A was involved with trying to bring drugs into the United States from Columbia.

Respondent claimed in her testimony at this trial that she did not actually believe what Person A and the CI were telling her about their plans to sell heroin because Person A was an alcoholic and a compulsive liar and because Respondent believed that the CI was "crazy." However, Respondent's claims are belied by her admitted action of complying with Person A's instruction that she purchase and use a "Boost Mobile" telephone when conversing with him and by her statements to the CI that she did not want to talk to her via telephone. During the conversation between Respondent and the CI on June 1, 2012, Respondent told the CI that she had told Person A to tell the CI "that I don't want to talk on the phone." Also, during the conversation between Respondent and the CI on June 4, 2012, right after the CI told Respondent "If they don't deliver the heroin today then..."

Respondent interrupted the CI in mid-sentence and told her, "And don't talk to me like this on the phone he (Person A) says." (DX 4 p. 3)

Respondent's expressed desire not to communicate with the CI via telephone reflects that she was extremely conscious that she was conversing with the CI about engaging in criminal activity and that she was concerned that their conversations could be monitored.

Respondent also asserted that the only reason she had wired \$300 to Person A in Columbia was because he was destitute and needed money for food. However, it is clear that she was conscious that her action of wiring \$300 to Person A constituted assisting his criminal activity because when she was interviewed by McMahon at her residence on February 13, 2013, she initially denied that she had received money from Person B or that she had wired \$300 to Person A. If Respondent actually believed that Person A was not using this money to fund criminal activity, she would have had no reason to deny that she had wired \$300 to [REDACTED]. Yet she only admitted to McMahon that she had done this after he told her that he had obtained Western Union records which documented her \$300 transfer.

Finally, although Respondent asserted that she should be found not guilty because the Department offered no evidence that any heroin had actually been transported into the U.S. from Columbia or sold pursuant to Person A's scheme, the Department sufficiently proved that Respondent agreed that she would assist Person A in the purchase of heroin and in the return of money from the sale of heroin to him in Colombia.

Respondent is found Guilty of Specification Nos. 1 and 2.



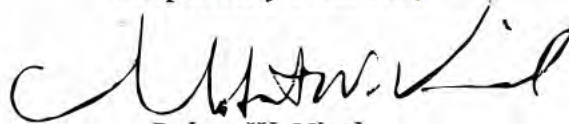
PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on February 25, 1994. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has been found Guilty of agreeing to assist [REDACTED] in the purchase of heroin and the return of money from the sale of heroin to him in Colombia and of wiring \$300 to him in Colombia with the knowledge that this money was to aid him in the commission of a crime.

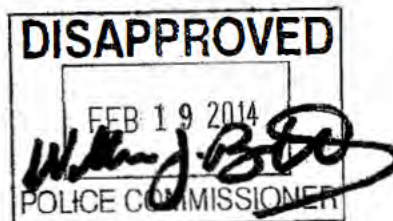
It is recommended that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,



Robert W. Vinal

Assistant Deputy Commissioner – Trials





POLICE DEPARTMENT  
CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER LAURA GAMBOA  
TAX REGISTRY NO. 905604  
DISCIPLINARY CASE NO. 2013-8956

Respondent received an overall rating of 4.0 on her 2011 annual performance evaluation, 4.0 on her 2010 evaluation, and 4.0 on her 2009 evaluation. She has one Meritorious Police Duty medal. [REDACTED]

[REDACTED] She was on Level 2 Performance Monitoring from May 4, 2005 until December 31, 2007.

Respondent has a prior formal disciplinary record. In December, 2001, she forfeited a total of 41 days (consisting of 26 suspension days and 15 vacation days) and was placed on dismissal probation for one year after she pleaded guilty to being unfit for duty as the result of over-indulging in a substance on October 20, 2000.

For your consideration.



Robert W. Vinal  
Assistant Deputy Commissioner - Trial